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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/633,899

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David S. Gress

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12/19/2003

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EXAMINER

DINH, KHANH Q

ART UNIT

PAPER NUMBER

2151

8

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/633,899

Applicant(s)

GRESS ET AL.

Examiner

Khanh Dinh

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2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the Amendment filed on 10/28/2003 (paper # 7). Claims 1-34 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2, 4, 5, 9-14, 15, 18-20, 22, 26, 26- 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg US pat. No.6,532,286 in view of Schneider et al., US pat. No.5,768,382.

As to claim 1, Burg discloses a method for playing a messaging prompt, the method comprising: receiving calling party number information specifying a calling party (15-10, 150-11 of fig.3) (see abstract, col.4 lines 5-67).

accessing stored calling party number information from an Internet Protocol (IP) based database server (using Internet Access Server IAS) configured for storing calling party number information (i.e., using calling telephone numbers of the users, see fig.3, col.3 line 34 to col.4 line 44 and col.5 line 37 to col.6 line 12).

Comparing (checking to see if the information of the users is correct) the received calling party number information to the stored calling party number information to determine if there is a match between the received calling party information number and the stored calling party number information (i.e., checking the identity and password of the users, see col.6 line 13 to col.7 line 8).

Based on a determined match, retrieving a personalized voice message of the called party (caller) corresponding to the matched (if the caller provided the correct identity and password), stored calling party number information (storing calling information in the memory 114 fig.1), for playback to the calling party (using Message Recording Playback to play the message, see fig.5, col.5 line 63 to col.6 line 67 and col.10 line 8 to col.12 line 53).

Burg does not specifically disclose the messaging prompt to the user. However, Schneider discloses a message prompt to the user (player) (see abstract, figs.1A, 1B, col.5 line 29 to col.6 line 52 and col.15 lines 11-58). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Schneider's feature into the computer system of

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Burg to connect users with the Internet because it would have enabled users to transmit an encoded message to a human-readable device through the Internet.

As to claim 2, Burg discloses the received and stored calling party number information each includes at least a portion of a telephone number of the calling party (see col.3 line 34 to col.4 line 44).

As to claim 5, Burg discloses retrieving the stored personalized voice message from the IP based database server (see col.7 line 36 to col.8 line 55).

As to claims 9 and 10, Burg discloses corresponding a flag to certain of the stored calling party number information, the flag indicating a calling feature defined by a called party for use by the calling party one of a paging operation and a single number reach operation (see col.3 line 34 to col.4 line 44 and col.7 line 36 to col.8 line 55).

As to claim 11, Burg discloses receiving a dialed number identification string (DNIS), and wherein the accessing step includes accessing a subscribers' profile based on the DNIS, the subscriber's profile including the stored calling party number information and the corresponding personalized voice message (see col.3 line 17 to col.4 line 67 and col.8 line 56 to col.10 line 41).

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As to claim 12, Burg discloses a messaging system for playing a message of a called party to a calling party in response to a request for execution of a messaging operation, the request containing calling party number information, the messaging system including:

an application runtime environment configured for retrieving, for playback as the messaging prompt to the calling party (see fig.3, abstract, col.5 line 37 to col.6 line 12), a personalized voice message based on a match of the received calling party number information with calling party number information stored in an Internet Protocol (IP) based database server, the personalized voice message corresponding to the matched (checking the identity and password of the users, see col.6 line 13 to col.7 line 8), stored calling number information of the calling party (see fig.5, col.10 line 8 to col.12 line 53).

Burg does not specifically disclose the messaging prompt to the user. However, Schneider discloses a message prompt to the user (player) (see abstract, figs.1A, 1B, col.5 line 29 to col.6 line 52 and col.15 lines 11-58). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Schneider's feature into the computer system of Burg to connect users with the Internet because it would have enabled users to transmit an encoded message to a human-readable device through the Internet.

Claims 13 and 15 are rejected for the same reasons set forth in claims 11 and 3 respectively.

Claims 18, 19, 22, 26-28 are rejected for the same reasons set forth in claims 1, 2, 5, 9-11 respectively.

Claims 29, 31 and 34 are rejected for the same reasons set forth in claims 12, 15 and 13 respectively.

As to claims 4, 14, 20 and 30, neither Burg nor Schneider discloses using accessing message using LDAP protocol. However, Burg discloses processing data messages using TCP/IP protocol (see col.11 line 54 to col.12 line 53). TCP/IP and LDAP protocol are well known in network standards. It would have obvious to one of the ordinary skill in the art at the time the invention was made to utilize either of the above network standards depending on the choice of implementation, and still achieve the same end results.

4. Claims 3, 6-8, 16, 17, 21, 23-25, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg and Schneider as in item 4 above and further in view of Bobo, II, US pat. No.5,870,549.

Claims 3 and 6-8 are rejected for the same reasons set forth in item 4 above. Neither Burg nor Schneider specifically discloses receiving an HTTP request from the calling party, generating an HTML page having XML tags and inserting a first media tag including a .wav file and a second media tag configured for controlling playing of the .wav file. However, Bobo discloses receiving an HTTP request from the calling party, generating an HTML page having XML tags and inserting a first media tag including a .wav file and a second media tag configured for controlling playing of the .wav file (see abstract, figs.1, 2, col.7 line 28 to col.8 line 46 and col.13 line 13 to col.14 line 55). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Bobo's teachings into the computer system of Burg for generating and executing web applications because it would have

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users to deploy a scalable, open standards based form approval system on an open standards based Internet Protocol network using a telephone.

Claims 16 and 17 are rejected for the same reasons set forth in claims 7 and 8 respectively.

Claims 21, 23-25 are rejected for the same reasons set forth in claims 3, 6- 8 respectively.

Claims 32 and 33 are rejected for the same reasons set forth in claims 16 and 17 respectively.

Response to Arguments

5. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Claims 1-34 are *rejected*.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam Hosain, can be reached on (703) 308-6662. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

Khanh Dinh
Patent Examiner
Art Unit 2155
12/11/2003


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER